

REMARKS

Claims 1-18 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3, 5-9 and 11-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Spagnoli, et al. (U.S. Pat. No. 5,466,911) in view of Schmidt (U.S. Pat. No. 6,730,877). This rejection is respectfully traversed.

At the outset, Applicant wishes to note that Claim 1 claims "a single, continuous, electrical conductor strip mounted to said interior surface of said glass sheet having a pair of ends, said conductor strip outputting radiant heat in response to an electrical current flow therethrough, said conductor strip being positioned such that it generally bounds an area defined by an operator's line of sight to the sideview mirror of the vehicle", Claim 8 claims "a single, continuous, electrical conductor strip having a pair of ends, said conductor strip further having an activatable adhesive mounted thereon for selectively adhering said conductor strip to the front sidelite sheet, said conductor strip outputting radiant heat in response to a current flow therethrough, said conductor strip being positionable such that it generally bounds the viewing portion of the sidelite of the vehicle", and Claim 13 claims "an electrical conductor strip mountable to an interior surface of the glass sheet, said conductor strip outputting radiant heat in response to an electrical current flow therethrough, said conductor strip being positionable generally in the viewing area, said conductor strip having a pair of ends". As described in the

specification of the present application and illustrated in the drawing, the present invention has the ability of concentrating radiant heat at a position where it is most needed—namely the "area defined by an operator's line of sight to the sideview mirror".

In contrast, Spagnoli discloses an electrically heated window assembly that requires the use of a pair of bus bars positioned on the extremes of the window unit. A conductive film is applied to the entire window unit to provide a current path between the bus bars, thereby providing heat to the window unit. However, this system suffers from a number of disadvantages compared to the present invention. For example, the system disclosed in Spagnoli is subject to damage caused from scraping of the conductive film, which may lead to breaks in the heating distribution. These breaks in the heating distribution would inhibit the usefulness of the system and be unsightly. Additionally, the system of Spagnoli requires more energy to heat the entire surface of the window unit than the centralized heating of the present invention.

As best seen in the distribution profiles of FIGS. 1B, 1C, and 2B, it can also be appreciated that the system of Spagnoli fails to concentrate the heating energy within the area defined by an operator's line of sight to the sideview mirror. In fact, it can be seen in each of the iterations that most of the heating is concentrated at a position above this key region. As the Examiner acknowledges, Spagnoli "does not teach a single, continuous electrical conductor and a pair of conductor pads." Applicant would further add that Spagnoli fails to teach or suggest "said conductor strip being positioned such that it generally bounds an area defined by an operator's line of sight to the sideview mirror of the vehicle". In fact, Spagnoli bounds the entire window area.

Schmidt fails to remedy the deficiencies of Spagnoli. Schmidt merely teaches a heating element that can be plugged in to a power outlet and placed in the passenger compartment to melt snow and ice from the wiper blades (Col. 4, lines 53-65). The Examiner's conclusions that Schmidt teaches a heating element "located . . . in the area adjacent the side window to heat a windshield as taught by Schmidt (Col. 2, lines 61-67)" is simply not accurate. Schmidt is completely silent with regard to positioning any heating element on a side window in "an area defined by an operator's line of sight to the sideview mirror of the vehicle". In fact, the portion of Schmidt referenced by the Examiner is again silent in this regard:

Disposed within the interior or passenger compartment of the vehicle and mounted onto the windshield is a heater or heating element, generally , denoted at 16, in accordance with the present invention.

The heater, as noted above, comprises a laminate comprising a first film or layer 18 and a second film or layer 22. . .

As can be seen, Schmidt makes no reference to positioning a heating element on the side window, much less in "an area defined by an operator's line of sight to the sideview mirror of the vehicle" as claimed in the present application.

It should be clear that Spagnoli fails to teach or suggest "a single, continuous, electrical conductor strip . . . being positioned such that it generally bounds an area defined by an operator's line of sight to the sideview mirror of the vehicle", since Spagnoli clearly describes bus bars located about portions of the periphery of the glass. Likewise, Schmidt makes no suggestion of position any heating element anywhere near the "area defined by an operator's line of sight to the sideview mirror of the vehicle".

Still further, neither Spagnoli nor Schmidt provide any motivation to combine their teachings. The Examiner is reminded that the burden is on the Examiner to provide "some suggestion of the desirability of doing what the inventor has done. 'To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex. parte Clapp*, 227 USPQ 972, MPEP § 2143. Therefore, in light of the above, the Examiner is respectfully requested to withdraw the present rejection or, in the alternative, provide Applicant with a citation from Schmidt or Spagnoli or a convincing line of reasoning as to why their combination is appropriate.

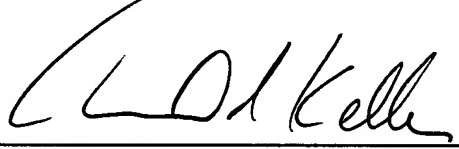
Claims 4, 10 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Spagnoli in view of Schmidt and further in view of Furuuchi, et al. (U.S. Pat. No. 3,864,659). This rejection is respectfully traversed. Applicant respectfully directs the Examiner's attention to the arguments set forth above as the presently rejected claims depend from independent Claims 1, 8, or 13. Additionally, Applicant submits that Furuuchi fails to correct the deficiencies of Spagnoli and Schmidt. Therefore, reconsideration and withdrawal of the present rejection are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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